

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

ONH AFC CS INVESTORS LLC, *et al.*,¹

Debtors.

Chapter 11 (Subchapter V)

Case No. 23-10931 (CTG)

(Jointly Administered)

Ref. Nos. 214 & 271

CERTIFICATION OF COUNSEL

I, Matthew R. Pierce, counsel to the Liquidating Trustee of the ONH Liquidating Trust (the “Liquidating Trustee”), hereby certify as follows to the best of my knowledge, information and belief:

1. On December 14, 2023, the United States Bankruptcy Court for the District of Delaware (the “Court”) entered the *Order Confirming Debtors’ Amended Small Business Debtors’ Joint Plan of Liquidation* [D.I. 214].

2. On May 7, 2025, the Court entered the *Order Granting Motion of the Liquidating Trustee for Entry of an Order (I) Enforcing the Schwartz Nightingale Settlement and Confirmation Order, (II) Entering Judgments Against the Schwartz Nightingale Parties, and (III) Granting Related Relief* [D.I. 271] (the “Enforcement Order”).

3. In connection with the Settlement Agreement (as defined in the Enforcement Order), Elchonon Schwartz, on behalf of ONH 2226 Third Avenue LLC, 1835 Market Street Partners LLC, 1635 Market Partners, 1500 Spring Garden Investors LLC, NG 1601 Washington Ave LLC, Nitesky Management LLC, ONH Promote LLC, Nightingale Realty, LLC and One Night Philly LLC (collectively, the “Consent Schwartz Nightingale Parties”), executed that certain

¹ The last four digits of the Debtors' federal tax identification numbers are 1199 (ONH AFC CS Investors LLC) and 6326 (ONH 1601 CS Investors LLC). The Debtors’ mailing address is 3445 Peachtree Road, Suite 1225 Atlanta, GA 30326.

Declaration of Consent to Entry of Judgment, dated as of April 28, 2025, a copy of which is attached hereto as **Exhibit A** (the “Declaration”). The Declaration reflects the consent of the Consent Schwartz Nightingale Parties to entry of a final judgment against them in the above-captioned bankruptcy cases as set forth in the proposed form of *Final Judgment*, a copy of which is attached hereto as **Exhibit B** (the “Final Judgment”). Consistent with the record at the hearing held on May 13, 2025, the Liquidating Trustee seeks entry of the Final Judgment in favor of the ONH Liquidating Trust and against the Consent Schwartz Nightingale Parties.

4. In accordance with the Court’s electronic order processing procedures, a copy of the Final Judgment shall be uploaded to CM/ECF.

5. Accordingly, the Liquidating Trustee respectfully requests that the Court enter the Final Judgment at its earliest convenience.

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Dated: June 18, 2025
Wilmington, Delaware

LANDIS RATH & COBB LLP

/s/ Joshua B. Brooks

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EXHIBIT A

EXHIBIT B